

Sr. No.233

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-13754 of 2016 (O&M)

Date of Decision: 25.05.2016

Jatinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. G.S.Kaura, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

Mr. Vishal Goel, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail in case FIR No.29 dated 24.02.2016, under Sections 307/ 148/ 149 of Indian Penal Code and Section 25/27 of Arms Act, registered at Police Station Kamboj, District Amritsar (Rural).

FIR came to be registered on the statement of Balhar Singh. Complainant stated that he was the owner of a Kothi/built up house and which he was wanting to sell. A property dealer had introduced him with the present petitioner. Keys of the house were entrusted to the petitioner to show the premises to any prospective purchaser. Allegations are that the intention of the present petitioner turned dishonest and the keys were not being returned. Allegations are that on 23.02.2016 when the complainant

along with certain others proceeded to the house in question to take back the keys, they were abused and assaulted by the present petitioner as also one person, namely, Love S/o Sukhwinder Singh.

Precise allegations are that present petitioner fired from a revolver and which hit on the left foot of nephew of the complainant, namely, Jaswinder Singh.

Petitioner was arrested on 01.03.2016.

Counsel appearing for the petitioner has contended that it is a case of false implication. In support of such contention, counsel has adverted to the documents placed on record at Annexure P-2 to contend that the petitioner had already instituted a suit for permanent injunction and in which the complainant had been arrayed as a party defendant for peaceful possession over the house in question. On 03.02.2016, suit was registered and a notice was issued in the application under Order 39 Rule 1 and 2 CPC for grant of ad interim injunction returnable for 24.02.2016. It is contended that the complainant Balhar Singh was served with regard to the suit and application on 23.02.2016 and a false FIR has been got registered on the following day i.e. 24.02.2016.

Concededly, the complainant himself has not suffered any injury.

The injuries suffered by Jaswinder Singh i.e. nephew of the complainant in the alleged occurrence have been opined to be simple in nature.

State counsel would inform that investigation in the present case is complete and the challan stands presented on 24.05.2016.

Trial is at the very initial stage and would take time to

conclude.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Amritsar.

Petition disposed of.

25.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE